

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

ERIN POLHEMUS (01)

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION
FILED
OCT 17 2014
CLERK, U.S. DISTRICT COURT
By _____ Deputy

No. 4:14-MJ-434

CRIMINAL COMPLAINT

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about September 9, 2014, in the Fort Worth Division of the Northern District of Texas, **Erin Polhemus** knowingly received any visual depiction using any means or facility of interstate and foreign commerce, and the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction is of such conduct.

Specifically, **Polhemus** received the following child pornography images via electronic mail through the internet, a means and facility of interstate and foreign commerce:

File Name	File Description
126928116220_onionib-1.jpg	This image file shows a nude prepubescent female child wearing a dog collar and a leash around her neck. In this image, the child's hand is completely inside the vagina of a nude adult female.

1328800531112.jpg	This image file shows two nude prepubescent female children on a bed with two adult women. One child's mouth is on the genitals of the adult female, while the other child has her hand on the female child's genitals.
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In violation of Title 18, United States Code (U.S.C.) § 2252(a)(2).

INTRODUCTION

1. I, Marya Wilkerson, further state that I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since approximately April 2008. I am currently assigned to the FBI's Child Exploitation Task Force, Dallas, Texas, Division. As part of my duties as an FBI Special Agent, I am authorized to investigate violations relating to child exploitation and child pornography, including the receipt, possession, and distribution of child pornography, in violation of 18 U.S.C. §§ 2252, and 2252A. I have gained experience in conducting these investigations through training and through everyday work, to include executing search warrants and conducting interviews of individuals participating in the trading of child pornography. I have also received training relating to the Innocent Images National Initiative (IINI), FBI Cyber Program, which includes training in the investigation and enforcement of federal child pornography laws in which computers and other digital media are used as a means for receiving, transmitting, and storing child pornography.

2. This affidavit is submitted in support of a criminal complaint alleging that **Erin Polhemus** has violated 18 U.S.C § 2252(a)(2). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging **Erin Polhemus** with knowing receipt of a visual depiction of a minor engaged in sexually explicit conduct, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint. The information contained in this affidavit is from my personal knowledge and from information provided to me by other law enforcement personnel involved in the investigation.

FACTS SUPPORTING PROBABLE CAUSE

3. On October 15, 2014, the Affiant obtained a search warrant for the residence of 4202 Spring Lake Parkway, Mansfield, Texas, 76063 after an email account containing child pornography was identified as being used by **Polhemus** at his residence in Mansfield, Texas.

4. Investigation into **Polhemus's** activities began after Detective Nicholas Masters, of the Brevard County Sheriff's Office, Fort Lauderdale, Florida, encountered **Polhemus** on a pornography website that law enforcement also knows is frequented by those interested in child pornography and the sexual abuse of minors. Detective Masters, who was working in an undercover capacity, and **Polhemus** communicated using the chat feature on the pornography site as well as through email about sexually molesting a child whom **Polhemus** said he had access.

Detective Masters used the email address provided by Polhemus, drunk****@gmail.com, to obtain a search warrant from the Circuit Court of the Seventeenth Judicial Circuit in Broward County, Florida, on September 18, 2014, for the e-mail account. (Note: the e-mail account is partially redacted due to an ongoing investigation.) In early October 2014, Google responded with the e-mail search warrant return, and it was determined, based on the contents of this e-mail account as well as an IP address associated with access to the account, that the account belonged to **Polhemus**.

5. During a review of the e-mail account, it was discovered that **Polhemus** had received child pornography from another e-mail user, don*****@hotmail.com, on September 9, 2014. **Polhemus** and the e-mail user were engaging in discussions of sexually abusing children when on September 9, 2014, at approximately 5:03 PM, don*****@hotmail e-mailed drunk****@gmail three images of child pornography to include 126928116220_onionib-1.jpg, which shows a nude prepubescent female child wearing a dog collar and a leash around her neck. In this image, the child's hand is completely inside the vagina of a nude adult female.

6. Upon receipt of this e-mail, the user of drunk****@gmail immediately replied on the same date, at approximately 5:06 PM, commenting "Holy shit, dude. Amazing. Just absolutely amazing. Breathtaking." Moreover, in an email on the same date, at approximately 5:09 PM, drunk****@gmail acknowledged receipt of the child pornography by commenting on the specific photo with the following statement "the leash and collar is insanely hot."

7. IP records from Google indicate that **Polhemus** accessed the **drunk****@gmail** account from his residence in Mansfield, Texas, on September 9, 2014, the date that **don*****@hotmail** sent the images of child pornography to **Polhemus**, which includes 1328800531112.jpg. This image file shows two nude prepubescent female children on a bed with two adult women. One child's mouth is on the genitals of the adult female, while the other child has her hand on the female child's genitals.

8. Based on the above, on October 16, 2014, the Affiant executed a search warrant at the above residence. On the same date, agents conducted a consensual interview with **Polhemus**. **Polhemus** admitted that he was the exclusive user of the **drunk****@gmail** account and that he had this account for multiple years. In addition, **Polhemus** used his Apple iPhone to show Agents the **drunk****@gmail** account, which was synced to his Apple iPhone. **Polhemus** also provided Agents his cellular telephone number of (202) xxx-2201.

9. Based on my training and experience, I am aware that Google electronic mail is accessed through the Internet and the internet is a mean and facility of interstate and foreign commerce. Furthermore, I have reviewed the files received by **Polhemus**, and based on my training and experience, the files appear to depict real minors engaged in sexually explicit conduct.

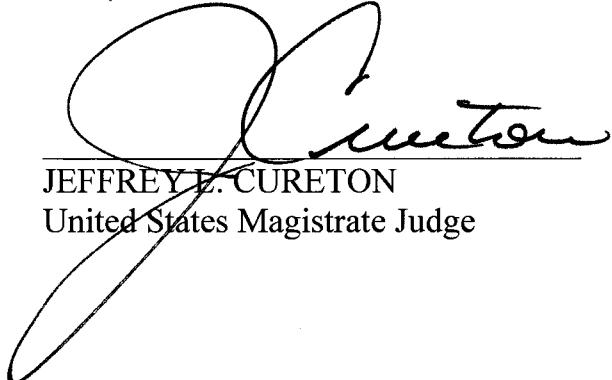
CONCLUSION

10. Based upon the aforementioned facts and circumstances, I believe there is probable cause to find that **Polhemus** has knowingly committed a violation of 18 U.S.C. 2252(a)(2), that is, receipt of a visual depiction involving a minor engaged in sexually explicit conduct. I therefore request the Court issue a warrant authorizing the arrest of **Erin Polhemus**.



Marya Wilkerson, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on this 17th day of October, 2014.



JEFFREY E. CURETON
United States Magistrate Judge